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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,179	11/11/2003	Thomas H. Barth	03151371	4648

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EXAMINER

HARRIS, STEPHANIE N

ART UNIT

PAPER NUMBER

3636

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/705,179

Applicant(s)

BARTH ET AL.

Examiner

Stephanie Harris

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Burleigh (USPN 6382722).

Burleigh discloses a child restraint seat that can be used with an aircraft passenger seat comprising a one-piece shell-like body (10) having a first, upwardly extending shell portion (18) defining a first surface shaped to support a child's upper body part and a second shell portion (12) extending downwardly from the first shell portion, which has a second surface to support a child's lower body part as seen in Figures 1 and 8. Integral support flanges (16) extend upwardly and outwardly from the first and second support surfaces to provide support against lateral movement of a child's body as seen in Figures 2 and 9. First and second side walls (16) are formed integrally with the first and second shell support flanges and extend outwardly and downwardly. The shells (60) can be stored in nested relationship. Openings (20) are extended through the second side wall at a preselected distance away from the first child support surface, and can enable an aircraft safety belt to be passed through to secure the shell to an aircraft seat as seen in Figures 1 and 2.

Regarding claims 2 and 3 a restraint harness (30, 32) is mounted on the shell through openings as seen in Figures 8 and 9.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burleigh (USPN 6382722) in view of Perdelwitz (USPN 4891454).

Burleigh has been described above. Burleigh shows all of the teachings of the claimed invention but fails to show the use of a cushion that is held in place by the restraint harness. Perdelwitz discloses a cushion (20) that is located on the first and second surfaces and is held in position by a restraint harness (38) as seen in Figures 1-3 (Abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the child seat of Burleigh, with the cushion as shown by Perdelwitz, in order to provide a disposable cushion for the child seat.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to child seats: US006592183B2, USPN 6592183, USPN 6464294, USPN

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6382722, USPN 5957537, USPN 5902015, USPN 5779304, USPN 5022669, and  
USPN 4892769.

Any inquiry concerning this communication or earlier communications from the  
examiner should be directed to Stephanie Harris whose telephone number is 703-305-  
1838. The examiner can normally be reached on Monday-Friday from 9am to 3pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's  
supervisor, Pete Cuomo, can be reached on (703) 308-0827. The fax phone number  
for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the  
Patent Application Information Retrieval (PAIR) system. Status information for  
published applications may be obtained from either Private PAIR or Public PAIR.  
Status information for unpublished applications is available through Private PAIR only.  
For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should  
you have questions on access to the Private PAIR system, contact the Electronic  
Business Center (EBC) at 866-217-9197 (toll-free).

SNH

June 24, 2004

Stephanie Harris  
Examiner  
Art Unit 3636

  
Peter M. Cuomo  
Supervisory Patent Examiner  
Technology Center 3600

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